

Sep 30 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

Adrian Kyle Benjamin,

Case No. 3-20-mj-71406 MAG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 2018 through December 2019 in the county of San Mateo in the
Northern District of California, the defendant(s) violated:

Code Section

18 U.S.C. Section 2252(a)(2)

Offense Description

Receipt of Child Pornography

Maximum Penalties: 20 years imprisonment (minimum 5 years imprisonment), lifetime supervised release (minimum 5 years), \$250,000 fine, \$5,000 special assessment

This criminal complaint is based on these facts:

See attached affidavit of FBI Special Agent, Meredith Sparano

☒ Continued on the attached sheet.

/s/

Complainant's signature

FBI Special Agent Meredith Sparano

Printed name and title

Approved as to form /s/ Molly Priedeman

AUSA Molly Priedeman

By telephone.

Sworn to before me and signed in my presence.

Date: September 30, 2020City and state: San Francisco, California*Judge's signature*

Hon. Jacqueline S. Corley, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT September 29, 2020

I, Meredith Sparano, Special Agent with the Federal Bureau of Investigation, being duly sworn, state:

I. INTRODUCTION AND PURPOSE OF AFFIDAVIT

1. I submit this affidavit in support of a Criminal Complaint and Arrest Warrant for Adrian Kyle Benjamin ("BENJAMIN"), a resident of San Mateo, California. This affidavit is made in support of a criminal complaint charging BENJAMIN with Receipt of Child Pornography in violation of 18 U.S.C. § 2252(a)(2).

2. The statements made in this affidavit are based on my experience and training as a Special Agent with the Federal Bureau of Investigation and information provided to me by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that BENJAMIN violated 18 U.S.C. § 2252(a)(2).

II. AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since approximately January 2015. I am currently assigned to the San Francisco Field Office, Oakland Resident Agency, to a squad that investigates crimes against children.

2. Since joining the FBI, I have investigated, among other things, federal criminal violations related to child pornography and the sexual exploitation of minors. I am currently assigned to investigate cases involving the sexual exploitation of minors, including such exploitation via the Internet and computers. I have received training in the areas of child pornography, child exploitation, and human trafficking, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in multiple forms of media, including computer media and cellular devices. Through my training and experience, I have become familiar with the methods used by people who commit offenses

involving the sexual exploitation of children. My training and experience has given me an understanding of how people who commit offenses relating to the sexual exploitation of minors including the receipt, distribution, and production of child pornography, use the Internet, computers, and cellular devices to facilitate and commit those offenses.

3. I am an investigator and law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7). I am empowered by law to conduct investigations, to execute search warrants, and to make arrests for offenses of Federal law, including offenses relating to child pornography.

III. APPLICABLE LAW

4. I know it is a violation of Title 18 U.S.C. § 2252(a)(2) for any person to knowingly receive a visual depiction of a minor engaging in sexually explicit conduct using any means and facility of interstate and foreign commerce that had been mailed and so shipped and transported, by any means including by computer.

IV. FACTS ESTABLISHING PROBABLE CAUSE

A. Background on Snapchat and Discord

5. Snapchat is a social networking service and communication application. Snapchat allows users to subscribe to their service using an email address and creating a profile name. Users can then post and share photographs and videos or “snaps” with other users whom they follow or follow them. A “snap” is a picture or video message taken and shared with other Snapchat users in real-time. Snapchat users are able to select how long the snap can be viewed by other users. Once a snap has been viewed for the allotted time, it is deleted from the company’s system and is no longer visible to the recipient. If a Snapchat user takes a screen capture of the other user’s “snap,” the user is notified. Snapchat users can also send private messages to other users and send photographs or videos directly to another user using the Chat feature.

6. Discord is a digital platform that provides voice and texting capacity for individuals who play online games. Discord owns and operates a free-access all in one voice and text chat

application and website of the same name that can be accessed at <http://www.discordapp.com>. In order to use Discord, a user creates an account to which Discord assigns a user identification number, and then the account can be used to communicate with other Discord users. Discord users can exchange private messages between users- i.e., messages that do not appear in any text channel, but which are revealed only to the users participating in the private communication. Discord users can also create “servers” which are like message boards, which can only be accessed by users who have an “invitation link.” Within these servers, users can set up different “text channels,” where users can type written text, upload files under eight megabytes and record these communications.

B. Initiation of Investigation

7. On or about December 7, 2019, the FBI received a tip that a 24-year old male was sexually exploiting a 16-year old minor female (hereinafter referred to as Minor Victim 1) online. The individual, who the minor female knew as “Kyle” was reported to have sent Minor Victim 1 obscene material and requested sexually explicit images and videos of Minor Victim 1 be sent to him, despite Minor Victim 1 telling “Kyle” her age multiple times. “Kyle’s” Snapchat and Instagram usernames were “likedeckofjade” and he used the name “Kylebear” on multiple online platforms.

8. Communications between Minor Victim 1 and “Kyle” began in approximately mid-2018, when Minor Victim 1 was approximately 14 years old and continued through approximately early December 2019.

9. On or about January 3, 2020, Minor Victim 1 was interviewed by a Child/Adolescent Forensic Interviewer (CAFI) in Seattle, Washington in a recorded interview. Minor Victim 1 reported that she met “Kyle” while playing the online game, Overwatch. After talking to “Kyle” on Overwatch, the conversation moved to Discord. Minor Victim 1 reported that she had spoken to “Kyle” frequently on Discord and that “Kyle” was very flirty and sexual with her. Prior to sending sexually explicit videos, Minor Victim 1 told “Kyle” she was 14 years old and “Kyle” told Minor Victim 1 that he did not care.

10. Minor Victim 1 reported that she and “Kyle” began exchanging sexual videos and photographs of each other after approximately one month of meeting online. Minor Victim 1 stated that she sent pictures of herself to “Kyle” via Snapchat. “Kyle” asked Minor Victim 1 to show her body, her chest, and her “thing.” “Kyle” sent Minor Victim 1 pictures and videos of his penis. Minor Victim 1 stated “Kyle” told her to do different poses and would send pictures of models as examples. Minor Victim 1 further stated “Kyle” started taking screen shots of the images that Minor Victim 1 sent him and also began saving the videos from Snapchat. Minor Victim 1 indicated she had also utilized video chat with “Kyle” and had masturbated while on video chat. Minor Victim 1 stated that “Kyle” wanted to meet up with her in Seattle, Washington.

11. Minor Victim 1 blocked “Kyle” last year for approximately a year when she was told by her friends that “Kyle” was a pedophile. Minor Victim 1 reconnected with “Kyle” earlier in 2019 and within a week of communicating began exchanging sexual videos and photos of each other.

C. FBI Identifies “Kyle” as BENJAMIN

12. Based on a review of open source social media platforms, FBI Agents identified BENJAMIN as the Discord and Snapchat user who communicated with Minor Victim 1. A public search of Instagram provided an account with username: likedeckofjade, profile name: KyleBear, email: likedeckofjade@gmail.com. Listed on the profile was a link to Spotify and the quote “I make music.” A recent photo was posted on this Instagram profile of a male with a Snapchat filter of bear ears, brown nose, and glasses. This photo matched that of BENJAMIN’s other accounts and BENJAMIN’s photo on his California driver’s license.

13. A search of law enforcement databases provided that the email address likedeckofjade@gmail.com was associated with BENJAMIN. The phone number and physical address that “Kyle” had provided to Minor Victim 1 was associated with BENJAMIN as well.

D. BENJAMIN Knew Minor Victim 1 was a Minor and Knowingly Received Sexually Explicit Videos from Minor Victim 1

14. In approximately January 2020, a preliminary review was conducted of Minor Victim 1's iPhone. A review of Minor Victim 1's image and video files revealed several photographs and messages sent from "Kyle" to Minor Victim 1 that the FBI was able to identify as BENJAMIN, including obscene videos sent from BENJAMIN to Minor Victim 1. Minor Victim 1's phone also included a screen capture of a contact capture for "Kyle," with BENJAMIN's known phone number. Minor Victim 1's phone also included a screen capture Minor Victim 1 took of conversation between Discord User "Jinglebear" and Minor Victim 1 that took place on or about August 7, 2018. Records obtained from Discord demonstrate that username "Jinglebear" is linked to BENJAMIN's known email address. The text of that conversation is copied below.

Jinglebear:	I'm bot [sic] going to leave you because of your age dummy. How old are you? 16? 15? 32?
Minor Victim 1:	14... turning 15 on [REDACTED]
Jinglebear:	Okay that's fine You're still my little girl Jeez I still love you Okay?

15. On approximately March 17, 2020, the FBI executed a search warrant at BENJAMIN's residence in San Mateo, California. The FBI seized multiple electronic devices from BENJAMIN's bedroom.

16. The forensic review of BENJAMIN's iPhone showed that it contained indicia of BENJAMIN and approximately several non-nude images matching Minor Victim 1.

17. Review of BENJAMIN's computer and tower yielded several external hard drive storage devices. The external hard drive that was plugged into the desktop computer tower, Seagate SSHD with serial number NA540RGR, contained a folder titled in Japanese characters which translates to "porn." Within this folder was a subfile titled "22." Within this folder were approximately 28 other folders each labeled with a different female name.

18. Further review yielded two folders titled with the first name and a nickname of the Minor Victim 1. The folder titled with the full first name of the Minor Victim 1 contained a subfolder titled “nsfw.” In my training and experience, I understand this to mean “not safe for work,” an expression often referring to sexually explicit images and/or videos that should be viewed privately. Within this folder were images and videos of Minor Victim 1 consistent with child erotica and child pornography.

19. Within a sub-file titled “v,” there were additional videos of Minor Victim 1 sent from Minor Victim 1’s known Snapchat username constituting child erotica and child pornography, including the following videos which were sent between approximately August 8, 2018 and August 14, 2018 and received by BENJAMIN during this time frame:

- a. Video of what appears to be a female digitally penetrating her vagina with her middle and ring fingers.
- b. Video of what appears to be a screen recording from Snapchat of a female digitally penetrating her vagina with her middle and ring fingers.
- c. Video of what appears to be a screen recording of a fully naked female sitting on the floor exposing her breasts and vagina. The female is massaging her breasts and digitally penetrating her vagina with her middle and ring fingers.
- d. Video of what appears to be a screen recording from Snapchat of a female digitally penetrating her vagina with her middle and ring fingers.

20. During the search of his residence, BENJAMIN was interviewed by Agents. During the interview, BENJAMIN told Agents that he meets many girls online through gaming platforms like Overwatch and then chats with female users through applications like Discord, Instagram, and Snapchat. BENJAMIN has had multiple online relationships.

21. BENJAMIN was shown images of the Minor Victim 1 and stated that he recognized the Minor Victim 1 and provided her true name. BENJAMIN stated that he believed Minor Victim 1 was 16 or 17 years old. BENJAMIN said he had a “close” relationship with Minor Victim 1 and exchanged sexually explicit images and videos with Minor Victim 1. BENJAMIN

was surprised to hear that it was illegal to exchange such images and videos online.

E. Review of Social Media Accounts Associated with BENJAMIN Reveals BENJAMIN's Enticement of Other Minor Victims

22. BENJAMIN was engaged in the use of multiple online applications, games, and social media platforms to engage with females, to include Discord, VRChat, Snapchat, Overwatch, Minecraft, TikTok, and Instagram. Upon review, BENJAMIN employed several enticement methods to develop increasingly sexual contact with the females, some of which were confirmed minors, and several of whom were interviewed and confirmed BENJAMIN knew their age.

23. BENJAMIN utilized the following enticement and grooming techniques as observed in Instagram, Snapchat, and Discord chats:

- a. Asserted himself as a mentor or authority figure who showed concern for the minors by advising them on education, parental relationships, social interactions, and physical and mental health.
- b. Used language indicative of romantic or intimate intent to include stating that he loved multiple minors.
- c. Indicated his desire to physically close to the minors, to include references to blatantly sexual contact and/or intimate contact involving cuddling or sitting on laps.
- d. Engaged in sexually explicit conversations with multiple minors - asserted a dominant sexual role and encouraged minors to adopt a submissive sexual role, to include calling him daddy.
- e. Coached at least one minor on masturbation techniques.
- f. Transferred nude pictures of himself to at least one minor.
- g. Requested nude photos from at least one minor.
- h. Indicated a desire to meet multiple minors in person and discussed plans to do so.
- i. Employed guilt in order to deter minors from disengaging from contact with him,

by, for example, threatening suicide.

F. Review of Images and Videos Found on BENJAMIN's Seagate Hard Drive of Other Minor Victims

24. A further review of the folder found on BENJAMIN's hard drive with female names yielded more sexually explicit images and videos consistent with child sexual abuse material and child pornography. Multiple minor females were identified and subsequently interviewed regarding their relationships with BENJAMIN.

25. A minor female identified as residing in or around Tasmania, Australia (hereinafter referred to as Minor Victim 2) was interviewed in approximately July 2020. Minor Victim 2 recognized BENJAMIN by his Discord and Instagram names. Minor Victim 2 stated that she began chatting online with BENJAMIN when she was about 13 or 14 years old, in the fall of 2018. Minor Victim 2 said she engaged in sexual chats and sexual videos with BENJAMIN. Once or twice, Minor Victim 2 and BENJAMIN masturbated together over a video chat with Minor Victim 2 using a hairbrush. Minor Victim 2 and BENJAMIN shared sexual videos and images. Prior to doing exchanging any sexually explicit media, Minor Victim 2 told BENJAMIN her age. Minor Victim 2 sent BENJAMIN videos of her breasts, genitalia, and her masturbating. Minor Victim 2 also said that BENJAMIN had talked about wanting to meet in person, but no plans were made.

26. The following three sexually explicit videos were found within a folder titled with the first and last name of a Minor Victim 2 and within a "nsfw" sub-folder:

- a. Screen recording of video call via Discord displaying Minor Victim 2's known Discord username depicting a female using a hairbrush to penetrate her vagina. BENJAMIN is visible masturbating in a viewing window as part of the call. When the green box flashes around the window with BENJAMIN, a male's voice is heard. Of note, the background desktop of this video chat is a Facebook page for the profile of "Kale Benjamin." The photo icon matches that of BENJAMIN.
- b. Screen recording of video call via Discord displaying Minor Victim 2's known

Discord username depicting a female rubbing her vagina over her underwear and then digitally penetrating her vagina with her finger. BENJAMIN is visible masturbating in a viewing window as part of the call. When the green box flashes around the window with BENJAMIN, the female appears to react as if being instructed. At around 7:54, the viewing window featuring BENJAMIN is expanded and BENJAMIN is shown wearing a black tank top with his penis exposed. BENJAMIN rubs the cum from his penis and cleans his hands with a tissue. BENJAMIN then pulls up his underwear and shorts but continues to expose and rub his penis.

- c. Screen recording of video call between a female and BENJAMIN. BENJAMIN is visible in a small viewing window at the top left corner of the screen masturbating in what appears to be a bathroom. BENJAMIN is wearing a black tank top and his penis is exposed while he is masturbating. The female appears to have her hand down her pants and is wearing an ace bandage on her wrist and arm. The female is laying on what appears to be a bed and is wearing black pants and socks. At around 3:08, BENJAMIN climaxes and then cleans his penis with toilet paper.

27. A minor female identified as residing in or around the Dallas, Texas (hereinafter referred to as Minor Victim 3) was interviewed in approximately June 2020. Minor Victim 3 stated she met BENJAMIN on Overwatch and talked to him via Discord when she was approximately 15 years old. Minor Victim 2 knew BENJAMIN as “Kyle” and recognized his usernames. Minor Victim 3 stated that she would sometime lie about her age to join Discord servers, but that BENJAMIN had asked to follow her on Instagram which included indications of her age. For example, Minor Victim 3 had posted on her Instagram about homecoming and her geometry homework as a sophomore in high school.

28. Minor Victim 3 confirmed that she had sent sexually explicit images to BENJAMIN and that she had masturbated on video chats with BENJAMIN. Minor Victim 3 was shown images obtained from BENJAMIN’s hard drive and confirmed they were images of her she sent

to BENJAMIN via Snapchat and of her during a video call with BENJAMIN on Discord.

29. The following sexually explicit images and videos consistent with child sexual abuse material were found within a folder titled with the first and last name of Minor Victim 3 and a “nsfw” sub-folder:

- a. Snapchat image of what appears to be a completely naked female posing off to the side in front of a full-length mirror. Female’s breasts and upper portion of her pubic area are exposed.
- b. Snapchat image of what appears to be a female’s vagina with a female’s fingers visible pulling back underwear and banner that reads “Fuck this tiny little pussy.”
- c. Snapchat image of what appears to be a female’s vagina with a female’s fingers visible pulling back underwear.
- d. Snapchat image of what appears to be a female’s fingers penetrating her exposed vagina. Fingernails are painted black and shiny blue colors.
- e. Snapchat image of what appears to be a female wearing a red shirt with black squares putting her hand under her underwear by her genitalia.
- f. Snapchat image of what appears to be a completely naked female posing off to the side in front of a full-length mirror; mirror captures from the chest to the feet of the female, but not her face. Female’s breasts and upper portion of her pubic area are exposed.
- g. Snapchat image of what appears to be a completely naked female exposing her breasts and the front of pubic area. Photo is a selfie in front of a mirror.
- h. Screen recording of video call via Discord displaying Minor Victim 3’s known Discord username depicting what appears to be a female wearing a red shirt rubbing her vagina with her fingers. The female says “what?” and then “I’ll try not to” as the camera moves to her face. During the video, the female sucks on her index and middle fingers, says “yes sir,” and then proceeds to penetrate and rub her vagina with her fingers. The female then licks and sucks on the fingers that

she used to penetrate her vagina. Female appears to take instruction from the individual she is chatting with throughout. Female says she had to change her “panties” and then displays lace peach-colored underwear. Female says “I love you too.” It appears the female is then instructed to roll her eyes to the back of her head while sticking out her tongue. In the top right corner of the Discord screen, there are two small viewing windows. Of note, the background desktop of this video chat is an Xfinity login screen with the email LikeDeckofJade@comcast.net populated. In the top right corner of the screen, there is a notification “Recording has started.”

- i. Screen recording of video call via Discord displaying Minor Victim 3’s known Discord username depicting what appears to be a female on her bed on her knees with her buttocks in the air exposing her vagina and anus. The female is penetrating and rubbing her vagina with her fingers. Around 3:05, it appears the female is instructed to remove her underwear and then continues to masturbate in the same position. Around 7:17, the female uses her other hand to pull her butt cheek in order to expose her anus. Around 10:35, the female changes position and sits on her legs with her knees bent. The female says “what?” and then lifts up her shirt to expose her breasts. The female begins to penetrate her vagina with her right fingers and rubs her breasts with her left hand. Around 12:41, the female is heard saying “wait, what do you mean?” The female then lays down on her back with her vagina exposed to the camera and begins to rub and penetrate her vagina with her fingers. Around 24:15, the female is heard asking “can you keep talking about what you want to do to me?” Around 36:35, female is seen sucking on her fingers and licking the fingers that she used to penetrate her vagina. In the top right corner of the Discord screen, there are two small viewing windows. The top is of a video camera icon and the one below it appears to have a male lying down and watching the female. The male resembles that of BENJAMIN. There is a

green box that flashes around the viewing window when it appears someone is talking. When the green box flashes around the window with BENJAMIN, the female appears to react as if being instructed. At around 38:00, the screen splits into two windows and BENJAMIN is visible on the right lying in bed.

BENJAMIN moves the covers off and pulls his pants down to expose his penis. BENJAMIN is seen masturbating in the viewing window while the female continues to suck on her fingers. Of note, around 8:21, BENJAMIN clicks on an icon in the taskbar titled "BLIZZARD" which pops up a window in front of the video. The username of this profile is "Kylebear."

V. CONCLUSION AND REQUEST FOR SEALING

30. Based on the information above, I submit that there is probable cause to believe that, between the approximate dates of July 2018 through December 2019 in the Northern District of California and elsewhere, the Defendant, Adrian Kyle BENJAMIN, committed the following federal offenses: Receipt of Child Pornography, in violation of 18 U.S.C. § 2252(a)(2).

31. I further request that the Court order that all papers in support of this application, including this affidavit, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to the target or other subjects of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation, giving the target an opportunity to destroy or tamper with evidence, change patterns of behavior, notify confederates, and flee from prosecution.

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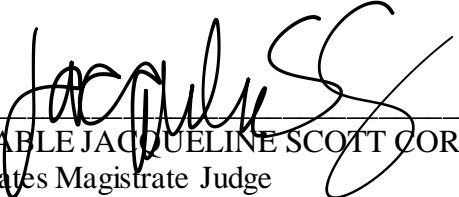
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I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

/s/

MEREDITH SPARANO
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me on this 30th day of September, 2020



HONORABLE JACQUELINE SCOTT CORLEY
United States Magistrate Judge